

**IN THE UNITED STATES DISTRICT COURT
OF THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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| ULISES VARGAS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 2017 C 00501 |
| |) | |
| |) | Judge Coleman |
| vs. |) | Magistrate Judge Finnegan |
| |) | |
| |) | |
| CHICAGO POLICE OFFICER P. MCNALLY, |) | JURY DEMAND |
| Star #17583 et. al. |) | |
| Defendants |) | |

**PARTIES' JOINT MOTION FOR AN EXTENSION OF TIME TO COMPLETE
FACT DISCOVERY**

The parties, jointly, by and through their attorneys, pursuant to Federal Rule of Civil Procedure 6(b)(1), respectfully request that this Court extend time for fact discovery to February 5, 2018. In support of this motion, the parties state as follows:

1. On May 8, 2017, fact discovery was ordered closed by October 8, 2017. *See* Dkt. No. 15.
2. At the same time, this case was referred to Magistrate Judge Finnegan for the proceedings related to discovery supervision. *See* Dkt. No. 16.
3. On May 9, 2017, this Court ordered that written discovery be issued by May 26, 2017. *See* Dkt. No. 17.
4. On May 15, 2017, the individual defendants issued their Rule 26(a) Disclosures to Plaintiff along with Defendant McNally's First Set of Interrogatories and First Requests to Produce to Plaintiff. The individual defendants also issued a notice of deposition for Plaintiff's deposition to be held on June 27, 2017.

5. On May 16, 2017, Defendant City of Chicago issued its Interrogatories and Requests to Produce to Plaintiff.

6. Plaintiff's responses to the discovery requests were due on June 15, 2017, for the individual defendants and June 16, 2017, for Defendant City of Chicago. However, due to Plaintiff's Counsel's schedule, Plaintiff conferred with Defendants seeking an extension to answer the Defendants' discovery requests on June 13, 2017, June 19, 2017, and June 28, 2017.

7. On June 12, 2017, Plaintiff issued his Initial Rule 26(a) Disclosures, Requests for Production to all Defendants, and Interrogatories to individual defendants McNally, Wood, Lakis, Kazarnowicz, and Borys. At that time, Plaintiff's Counsel requested that Plaintiff's deposition be rescheduled, and Plaintiff's deposition was rescheduled to August 2, 2017.

8. Similarly, Defendants sought an extension of time to answer Plaintiff's discovery requests.

9. On July 27, 2017, the individual defendants issued their Answers to Plaintiff's Requests for Production and Interrogatories to McNally, Wood, Lakis, Kazarnowicz, and Borys.

10. On July 28, 2017, Defendant City of Chicago issued its Response to Plaintiff's Requests for Production to all Defendants.

11. On July 13, 2017, due to his trial schedule, Plaintiff's Counsel requested that Plaintiff's deposition be rescheduled to the week of September 25, 2017. The parties have reset Plaintiff's deposition for September 27, 2017.

12. On August 11, 2017, Plaintiff responded to the individual defendants' and Defendant City's requests for production and answers to interrogatories. Plaintiff also issued his First Set of Interrogatories to Defendant City of Chicago and First Request for Production to

Defendant City of Chicago. Plaintiff also issued his First Supplemental Rule 26(a) Disclosures, which added four additional witnesses.

13. As Plaintiff's Counsel is not available until the week of September 25, 2017, that only leaves the parties with approximately two weeks to complete all of the depositions in this case.

14. Defendants have issued subpoenas for the depositions of Plaintiff's treating physicians for September 25, 2017 and September 26, 2017, but have not yet received confirmation.

15. At this time, the individual defendant officers' depositions have been tentatively scheduled for the week of October 4, 2017.

16. The parties have been working together to complete discovery in time to meet the Court ordered deadline, however, given the additional witnesses listed on Plaintiff's First Supplemental Rule 26(a) Disclosures, and the pending availability of the individual defendants and treating physicians, the parties will not have time to complete these depositions within the current discovery schedule set out by this Court.

17. No prejudice will be suffered by any party as a result of this requested extension.

18. The requested extension is not presented for purposes of delay, but to allow the parties to adequately conduct discovery and complete the depositions of all potential witnesses in this matter.

WHEREFORE, the parties respectfully request that this Court extend the time to complete fact discovery to February 5, 2018, and provide any other relief this Court deems appropriate and just.

Dated: August 18, 2017

Respectfully submitted,

/s/ Mikayla Hamilton

Mikayla Hamilton
Assistant Corporation Counsel
30 North LaSalle Street, Suite 900
Chicago, Illinois 60602
312.744.7630 (P)
mikayla.hamilton@cityofchicago.org
Atty. No.: 6320743

/s/ Jeffrey J. Neslund

Jeffrey J. Neslund
Attorney for Plaintiff
Jeffrey J. Neslund
Law Offices of Jeffrey J. Neslund
20 North Wacker Drive - Suite 3710
Chicago, Illinois 60606
312.223.1100 (P)

Jessica Griff, Assistant Corporation Counsel
Devlin Schoop, Senior Counsel
Attorneys for Individual Defendants

Jessica Ziswa, Assistant Corporation Counsel
Josh Engquist, Senior Counsel
Attorneys for the City of Chicago

City of Chicago Law Department
30 N. LaSalle Street, Suite 900
Chicago, IL 60602